

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2004**

**KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK**

**PREAMBLE**

The proposed compendium was available for comment from January 1 – February 15, 2004. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments from no individuals, consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, and comments from the State of Alaska.

**GENERAL COMMENTS:**

**Determinations:**

The State of Alaska (State) pointed out that the parks deal with determinations differently and has asked for more consistency, suggesting that a separate document be created to list the determinations.

The National Park Service (NPS) will attempt to incorporate the State's suggestion by creating a second section to the compendium that includes the lengthier determinations. Short italicized explanations may still accompany an individual compendium entry to facilitate reader understanding.

**Use of state law**

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases.

**Limit applicability to Federal Lands**

The State requests an introduction to each compendium explaining that these compendium regulations only apply to park areas managed by the NPS.

We concur with the comment and have added in the introductory paragraph the phrase *in park areas* and in addition a sentence referencing the applicability and scope of the regulations and the compendium found in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1. These sections carefully articulate where the regulations, and the compendium, apply.

**Compendiums as educational tools:**

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education. However, the NPS believes that the purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions.

### **Use of the terms “aircraft,” “airplane” and “fixed-wing aircraft”**

The Wilderness Society (TWS), National Parks Conservation Association (NPCA) and Alaska Center for the Environment (ACE) commented that the term *aircraft* is used in the compendiums when they felt that the terms *airplane* and *fixed-wing aircraft* would be more appropriate based on Section 1110(a) of ANILCA.

The NPS believes that the use of the term *aircraft* is appropriate where used since the term is identical to that used in the regulations. And while the term *aircraft* is used, fixed-wing aircraft uses are the only aircraft specifically permitted under 43 CFR 36.11.

## **36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:**

### **2.1 (a) (5) Designated areas for walking or climbing on cultural sites**

Except where there are park specific issues, the State has encouraged consistent wording, commenting that the current wording might confuse readers.

The NPS will continue to attempt to attain consistency using the following phrase, which specifically addresses the regulation paragraph. The italics section has been expanded for clarity, incorporating the State's suggestion.

“There are no designated areas or conditions.”

*Walking or climbing on cultural resources is prohibited. This protects cultural and archeological resources.*

### **2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water**

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations. The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.21 adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

### **2.4(a)(2)(i) Carrying of Weapons at designated locations and times**

Specific to Klondike Gold Rush, the State of Alaska suggested that the proposed language implied more than was perhaps intended. We have revised the section and believe that the following language provides more clarity:

“The National Park Service administers certain state-owned lands and waters within the boundary of Klondike Gold Rush National Historical Park pursuant to a memorandum of

understanding with the State of Alaska. The prohibition on carrying, possession, and use of weapons, traps, and nets found in 36 CFR Part 2 does not apply to the lawful taking of wildlife on these State-owned lands and waters.”

#### **2.14(a)(7) Sanitation designated areas for disposal of fish remains.**

The State suggested consistency and clarity. Based on the comment the entry has been modified. We believe the following is consistent with the regulation and provides clarity for the reader.

“There are no designated areas.”

*Fish remains may not be disposed on either land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.*

#### **2.14(a)(9) Human waste disposal in nondeveloped areas.**

Where possible, the State of Alaska has suggested a uniform distance of 100 feet as the appropriate distance from water, campsites, or a trail, and further consideration concerning the use of cat holes and disposal of toilet paper.

The NPS agrees to adopt a uniform distance but would like to work further with the State to consider national research and standards on this issue in determining the most appropriate distance. We concur that further dialogue is appropriate on these issues, especially as technology and other factors develop.

#### **3.6(k) Launching or operating airboats**

The Wilderness Society, National Parks Conservation Association, and the Alaska Center for the Environment request the NPS change this section to reflect the national prohibition on airboats. They state that ANILCA and its implementing regulations do not specifically provide for airboat use. And furthermore, they state that the NPS has identified airboats to be a separate and distinct class of boat.

After considering the Wilderness Society, NPCA and ACE comments, the NPS believes that the reference to 3.6(k) is unnecessary in the compendium since 36 CFR 3.6(k) does not provide the superintendent with discretionary authority. We will eliminate the reference to 3.6(k). We wish to continue discussion on the issue, however.

#### **3.20(a) Water skiing**

The Wilderness Society, National Parks Conservation Association, and the Alaska Center for the Environment asks that all waters be designated as closed to water-skiing. They state that water skiing is prohibited unless designated as open and that there is no provision in ANILCA superseding this regulation.

Water skiing has not been an issue in most parks in Alaska. It is within the authority of individual Superintendent's to designate areas open if that is appropriate in their individual areas. Parks will continue to evaluate this on a park-by-park basis.

#### **13.19(b) Carrying Firearms**

The State encourages the NPS to 1) provide for the use of bear spray in all Alaska park units, 2) allow the use of firearms, nets and traps for legitimate hunting, fishing, and trapping under state and federal laws, and 3) allow transport of firearms for legal purposes across the former Katmai National Monument.

The NPS appreciates the State of Alaska's comments on our current efforts to initiate a Phase I special regulation package to modify existing regulations.

**13.30(d)(2) Temporary closures and restrictions**

The State of Alaska has commented that it believes special regulations are needed to address restrictions on camping. The NPS appreciates the State's suggestions on this issue and plans to propose new camping special regulations, based on existing State regulations.

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National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

This compendium does not cite the larger body of NPS regulations that do not provide discretionary authority to the superintendent. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Klondike Gold Rush National Historical Park, Skagway, Alaska at (907)983-2921 for questions relating to information provided in this compendium.*

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

Eating and drinking are not permitted in exhibit display areas in park buildings nor in the Visitor Center Auditorium without specific authorization from the Superintendent.

*The intent is to protect exhibit displays, floor coverings, and upholstery from damages which might accompany unsupervised use.*

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits.

**(a)(2) Designated areas for specific use or activity or conditions**

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

**1.6(f) Compilation of activities requiring a permit**

- Scientific research, (1.5)
- Collecting research specimens, (2.5)
- Backcountry camping, (2.10(a))

- Operating a power saw in developed areas, (2.12(a)(2))
- Operating a portable motor or engine in undeveloped areas, (2.12(a)(3))
- Operating a public address system, (2.12(a)(4))
- Air delivery, (2.17(a)(3))
- Noncommercial soliciting, (2.37)
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, (2.38(a))
- Special events, (2.50(a))
- Public assemblies and meetings, (2.51(a))
- Sale and distribution of printed matter, (2.52(a))
- Grazing, (2.60(a)(1), (2))
- Residing on federal lands, (2.61(a))
- Installing a monument, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Repair or construction of any structure or facility, road, trail, or airstrip on federal lands, (5.7)
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, (43 CFR 36.10(b))
- Salvaging, removing, possessing aircraft, (43 CFR 36.11 (f)(3)(ii))
- Helicopter landings, (43 CFR 36.11(f)(4))
- Off-road vehicle (ORV) use, (43 CFR 36.11(g)(2))
- Temporary access across federal land for survey, geophysical or exploratory work, (43 CFR 36.12(c))

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated areas for using or possessing wood gathered from within the park area.**

Dead wood on the ground may be collected for use as fuel for campfires within the park.

*This requirement is intended to protect standing vegetation from use as firewood.*

### **2.1(a)(5) Designated areas and conditions for walking, climbing on archeological cultural resource sites**

There are no designated areas or conditions.

*Walking and climbing on cultural resources is prohibited. This protects cultural and archaeological resources.*

### **2.1(b) Designated trails**

No restrictions on walking or hiking at present.

**2.1(c)(1-3) Designated fruits and berries, to harvest by hand for personal use**

All edible fruits, berries and nuts may be gathered by hand for personal consumption. Edible mushrooms – maximum of three gallons per person in any 24 hour period - may be gathered by hand for personal consumption.

*These limitations are intended to identify items that can be harvested for personal use without damaging the health of these species or derogation of other park resources.*

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through the Park area**

Persons transporting harvested wildlife through areas designated as national parks or monuments are required to identify themselves and the location where the wildlife was harvested when requested by an NPS employee or other authorized person.

*This requirement is intended to allow transport of legally taken game across NPS administered lands. Hunting is prohibited on Federal Land inside the historic town site of Dyea.*

**2.2(e) Designated areas for wildlife viewing with artificial light**

No areas designated for closure. For sport hunting on lands not administered by NPS, state law determines if artificial light may be used for taking wildlife.

*This requirement is intended to prevent wildlife disturbance and harassment.*

**2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, non-preserved fish eggs or fish roe**

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law.

**2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks**

All areas are designated as open for fishing from motor road bridges and boat docks.

**2.4(a)(2)(i) Carrying of weapons at designated locations and times**

The National Park Service administers certain state-owned lands and waters within the boundary of Klondike Gold Rush National Historical Park pursuant to a memorandum of understanding with the State of Alaska. The prohibition on carrying, possession, and use of weapons, traps, and nets found in 36 CFR Part 2 does not apply to the lawful taking of wildlife on these State-owned lands and waters.

*The intent is to recognize the applicability of existing state law regarding the carrying of weapons and traps across state-owned lands which are administered by NPS for park purposes pursuant to an agreement.*

**2.10(a) Camping-conditions and permits**

Except at Dyea Campground, a permit is required for overnight camping. Parties camping at Dyea Campground must register.

*Permits are required to ensure visitors employ minimum impact camping techniques, are aware of proper procedures for avoiding negative human-bear interactions, and camp only in areas designated pursuant to 36 CFR 13.68(a).*

Superseded in part by 13.18(a), 13.68(a).

#### **2.10(d) Food storage - designated areas and methods**

(1) All food and fish must be stored in one of the following ways:

- (a) sealed in a locked vehicle; or
- (b) hung from an NPS provided bear pole in the walk-in campsites; or
- (c ) sealed in an NPS approved bear resistant canister. A bear resistant container is securable and constructed in such a manner and of material capable of preventing access by a brown or black bear. Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured commercially)
- steel drums with locking rings
- metal raft dry boxes.

Unacceptable Bear Resistant Food Containers include:

- ice chests
- coolers
- tents
- dry bags or stuff sacks
- plastic packing boxes (Totes, Action Packers, etc.)

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

*The intent of these requirements is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike.*

#### **2.11 Picnicking - designated areas**

Superseded by 13.18(b).

#### **2.13(a)(1) Fires - Designated areas and conditions**

Wood fires are permitted in the provided fire rings in the Dyea Campground or the stoves provided in warming shelters at Finnegan's, Canyon City, Pleasant and Sheep Camp warming shelters. All trash (tin foil, burnt food, glass, cans) must be removed from the fire site after use.



*These requirements are intended to ensure that wood sources are not depleted, to minimize the risk of human caused wildfires, and prevent the accumulation of trash in fire rings and stoves.*

**2.14(a)(2) Sanitation and refuse - using government receptacles**

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

**2.14(a)(5) Sanitation - designated areas for bathing and washing**

No designated areas. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.

**2.14(a)(7) Sanitation- designated areas for disposal of fish remains**

There are no designated areas.

*Fish remains may not be disposed either on land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.*

**2.14(a)(8) Sanitation - human waste in developed areas**

Restrooms are provided in Skagway and outhouses at the developed areas in Dyea (campground and picnic area, Chilkoot Trailhead, Slide Cemetery, and Dyea Town Site).

*This requirement is intended to ensure that proper disposal of human waste occurs in frequently visited public areas.*

**2.14(a)(9) Sanitation - designated areas for disposal of human waste in undeveloped areas**

Outhouses are provided at the designated backcountry campsites; otherwise in cat-holes at least 100 feet from a fresh water source or hiking trail.

*This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety.*

**2.14(b) Sanitation- condition concerning disposal, carrying out of human waste**

No restrictions at present.

**2.15(a)(1), (a)(3), (a)(5), (b), (e) Pets**

This regulation section contains restrictions, such as pets must be leashed or physically restrained, and therefore there are no additional conditions.

[Note: As a point of clarification, neither this nor any other section in this Compendium apply to city-owned lands, such as Dyea Flats, or to state road rights-of-way, such as Dyea Road.]

*This restriction limits the free-range of pets on NPS-managed park lands to protect wildlife and park visitors from harassment.*

**2.16(a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e). The Chilkoot Trail, including pedestrian foot bridges, are not designed nor constructed to support pack or saddle stock. In the interest of public safety, NPS strongly cautions against the personal use of pack or saddle stock animals on this trail, and very strongly advises against their use on pedestrian footbridges. Stock should ford all river/stream crossings.

**2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

**2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas**

No areas prohibited at present.

**2.17(c)(1) Removal of downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii).

**2.18(c) Snowmobiles-designated areas for use**

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c)) Special access.

**2.19(a) Winter activities-designated areas**

All roads and parking areas open to motor vehicle traffic are open to skiing, snowshoeing, sledding and other similar winter sports.

**2.20 Skating and skateboards**

Superseded by 43 CFR 36.11(e).

**2.21 Smoking**

All public buildings are closed to smoking. Smoking is prohibited within 100 feet of the park fuel storage areas.

*These restrictions are intended to protect historic buildings, and public health and safety from fire or explosion around fuel storage facilities.*

**2.22 Property – designated areas for leaving property unattended for more than 24 hours**

Chilkoot trail user vehicles may be left parked at the trailhead parking area while hiking the trail.

*The intent is to allow hikers to leave their vehicles at the trailhead in excess of the 24-hr property restriction.*

**2.35(a)(3)(i) Alcoholic beverages - areas closed to consumption**

No closures or restrictions at present.

**2.38(b) Explosives - areas designated for using fireworks**

No areas designated for use of fireworks. Fireworks are prohibited.

**2.51(e) Public assemblies/meetings - designated areas**

The Superintendent may issue a permit (subject to additional conditions) for public assemblies in the areas designated in Attachment 1a and 1b. In Skagway the area of assembly shall not exceed a 500 sq.ft. portion of the lawn west of the Moore Cabin, east of the Goldberg Cigar Store and northwest of the Moore wayside exhibits; or a 500 sq.ft. portion of the lawn at the northwest corner of 5<sup>th</sup> Street and Broadway. In Dyea the area of assembly shall not exceed an area of 500 sq.ft. in the designated day-use picnic site.

*The permit requirement is intended to ensure assemblies can occur, but with minimal impact on park visitors and activities.*

**2.52(e) Sale and distribution of printed matter-areas designated for such use**

The Superintendent may issue a permit (subject to additional conditions) for outside distribution of printed matter in the areas designated in Attachment 1a. The designated area for distribution is restricted to the boardwalk adjacent to the exterior southeast corner of the visitor center building, not to exceed an area of 10 by 6 feet. The activity may not impede through access for visitors using the boardwalk.

*The permit requirement allows sale or distribution of printed matter with minimal impact on park visitors and activities.*

**2.60(a)(3) Designated areas for grazing**

No areas are designated for grazing. Any feed brought in must be “weed-free”.

**2.62(b) Memorialization-designation of areas for scattering ashes**

All areas of the park are open to scattering of ashes without a permit, except for campgrounds, roads, picnic areas and other park developed areas.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.6(i) Boating, prohibited operations - designated launching areas**

All areas of the park are open to launching of boats.

**3.6(l) Operating a vessel in excess of designated size**

No maximum size designations at present.

**3.20(a) Water skiing-designated waters**

All waters are designated as open.

**3.21(a)(1) Swimming and bathing-areas designated as closed**

All park areas are open to swimming and bathing.

**3.23(a) SCUBA and snorkeling - designated conditions in swimming areas, docks, etc.**

No restrictions at present.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.11(a) Load weight and size limits - permit requirements and restrictive conditions**

Vehicles over 26 feet are restricted from travel across federal lands in Dyea, except as otherwise specifically approved in advance by the Superintendent.

*The restriction on vehicle length is intended to preserve the safety of other drivers, pedestrians, equestrians, and bicyclists on the unpaved, narrow, winding roads which have restricted sight-distances, clearances for parking, and turning radii.*

**4.21(b)-(c) Speed limits-designation of a different speed limit**

The park road between Dyea Road and Nelson Slough is 15 mph.

*A reduced speed limit near Dyea is for public safety. Pedestrians and bicyclists often use the roadway and visibility is limited due to road design and vegetation.*

**4.30(a) Bicycles-closed areas**

Superseded by 43 CFR 36.11(e).

**4.30(d)(1) Wilderness closed to bicycle use**

Not applicable.

**4.31 Hitchhiking-designated areas**

All areas of the park are open to hitchhiking.

**PART 13. ALASKA REGULATIONS**

**SUBPART A – PUBLIC USE AND RECREATION**

**13.18(a) Restricted areas for camping**

Temporary restrictions on camping are listed under section 13.30(d)(2). See also, section 13.68 prohibiting camping except in designated areas.

**13.18(b) Picnicking-areas where prohibited by posted signs**

No closures or restrictions at present.

**13.30(d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife**

No closures or restrictions at present.

**13.30(d)(2) Temporary closures and restrictions (other)**

“Camping more than 14-days at Dyea Campground in a calendar year is prohibited.”

*Limits on the length of stay at Dyea Campground are intended to prevent the exclusion of short-term recreational users due to extremely heavy local residential demand. Secondly this limitation is intended to prevent impacts from overuse of limited facilities which are designed and provided for short-term recreational occupancy.”*

**SUBPART C – SPECIAL REGULATIONS, SPECIFIC PARK AREAS**

**13.68(a) Klondike Gold Rush National Historical Park-Designated camping areas**

Camping is permitted only in following areas:

- Dyea Campground
- Finnegan’s Point
- Canyon City Camp
- Pleasant Camp
- Sheep Camp

**43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**

**36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities**

No closures or restrictions at present.

**36.11(d) Temporary closures or restrictions on use of motorboats**

No closures or restrictions at present.

**36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation**

No closures or restrictions at present.

**36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft**

No closures or restrictions at present.

**36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft.**

A permit is required from the superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

**36.11(g)(1) Use of off-road vehicles (ORV) on established trails**

No trails designated for ORV use at present.

Please see the attached appendices for maps and/or more extensive determinations below.

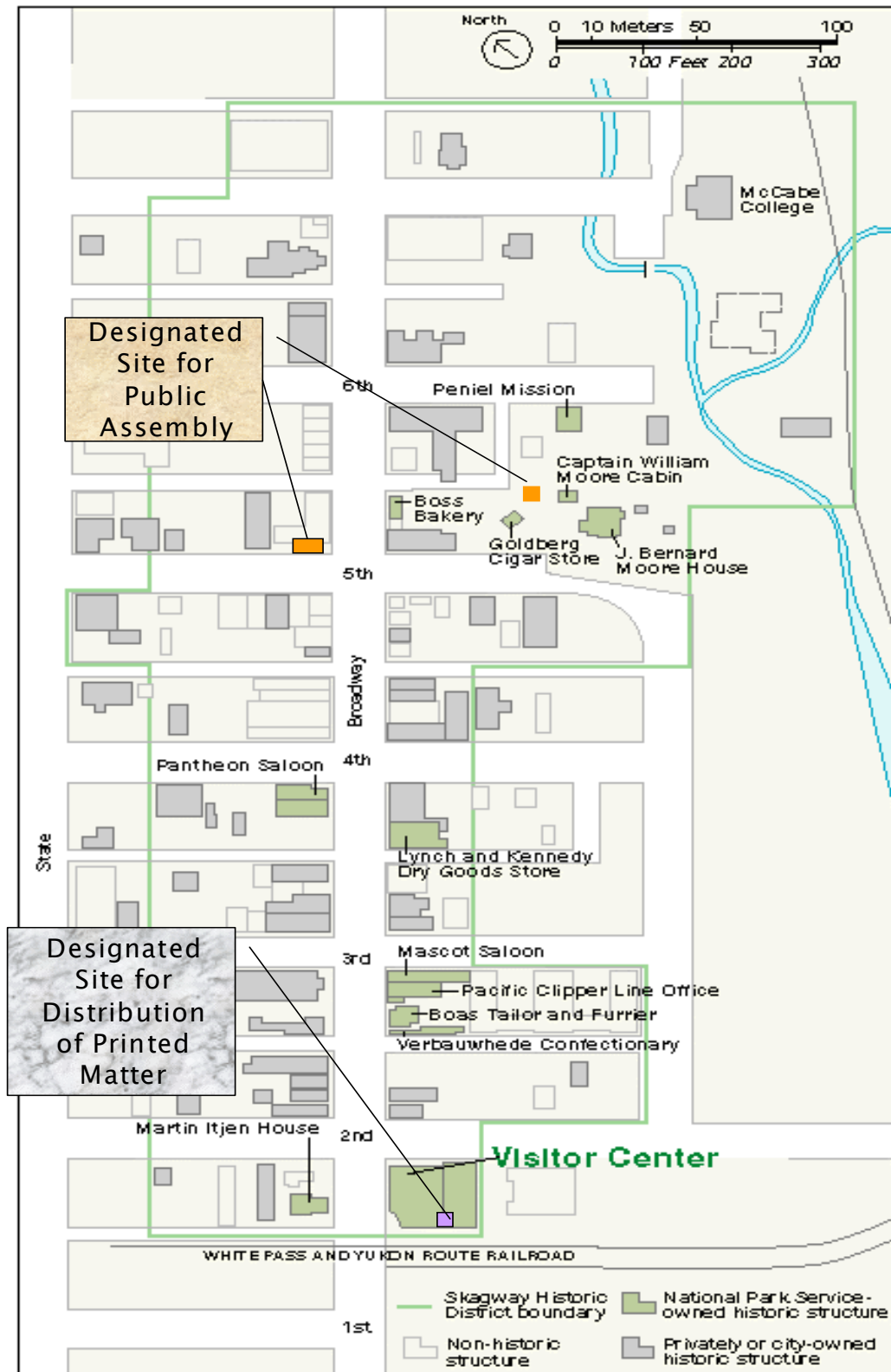
**This compendium is approved and rescinds all previous compendiums issued for Klondike Gold Rush National Historical Park.**

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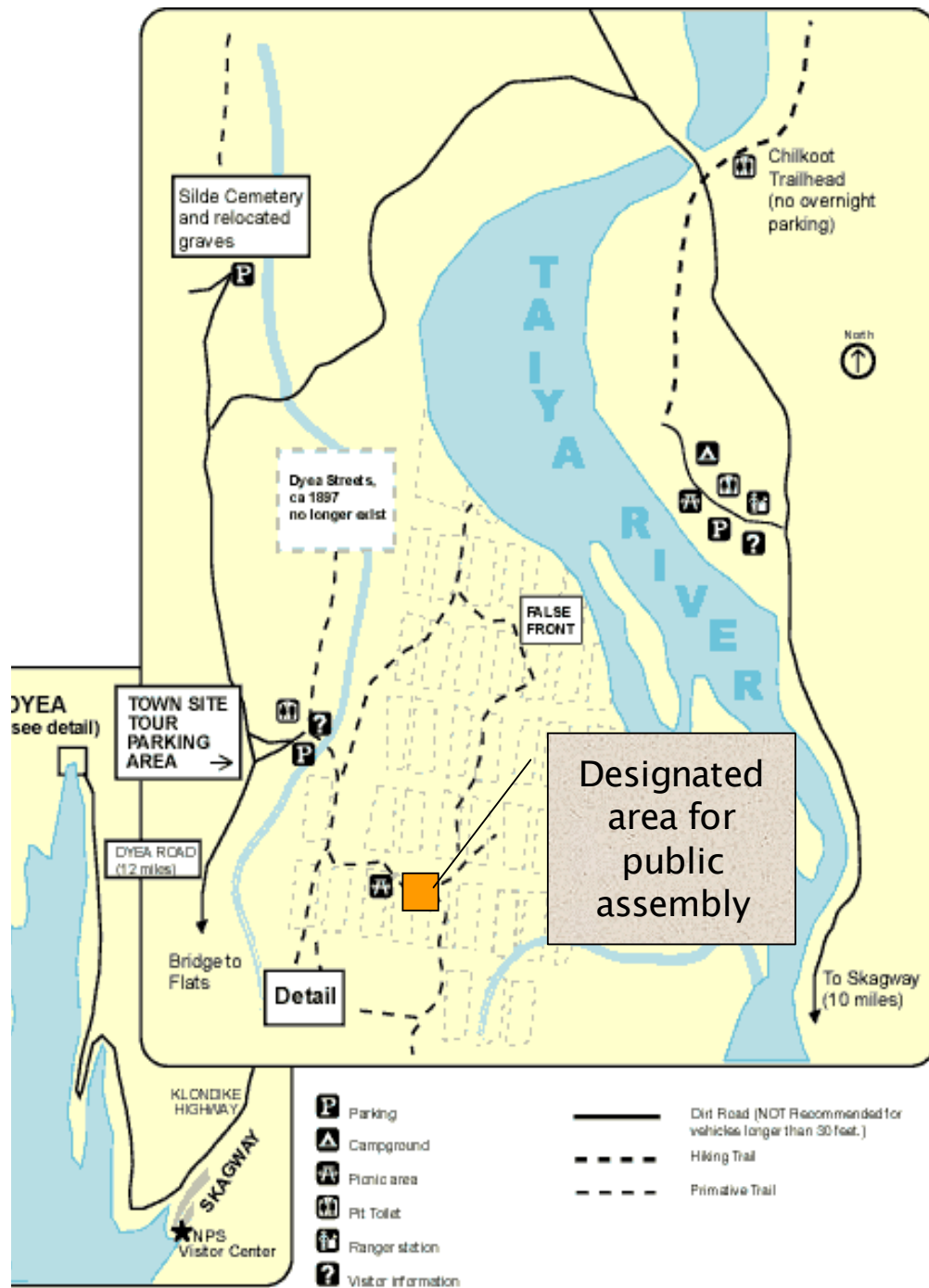
**Superintendent**

**Date**

**Attachment 1a (36CFR 2.51e & 2.52e)– Skagway Unit area designations for public assembly and distribution of printed matter.**



**Attachment 1b (36CFR 2.51e) – Dyea Unit area designation for public assembly.**





## **APPENDICES**

### **Additional Supporting Determinations:**

Memorandum

February 27, 2004

To: Files, Klondike Gold Rush NHP

From: Superintendent, Klondike Gold Rush NHP

Subject: Collection of fruits, nuts, berries for personal use and consumption.

NPS has determined that the collection of any edible fruits, nuts, and berries by hand for personal consumption will not adversely affect park wildlife, nor the reproduction of the subject species, nor otherwise adversely affect park resources at Klondike Gold Rush NHP.

Mushrooms, as "fruiting bodies" of fungus, are included in this determination, and therefore also allowed to be collected. This determination is consistent with the general allowance of similar collecting found in 36 CFR §13.20(b) which currently applies to most other Alaska parks areas. Park natural resources management staff members have consulted with other biologists and NPS resource managers before advising that the only real concerns with respect to collecting are possibly aesthetic. Over-harvest potentially endangering future reproduction is not viewed as a matter of any real concern. It has been noted that the extremely large and widespread nature of the long-lived, subterranean parent fungal organism, combined with the tremendous potential for spore production and dissemination from even a very few mature mushrooms, make direct impacts on the species through over-harvest of the fruiting bodies a very remote possibility.

Limits on the quantity of mushrooms gathered are intended to help establish an enforceable approach to what is perceived as an incidental problem of possible collection for non-personal uses. Mushrooms will be removed from the list of permitted items for personal collection should new information surface in the future.

Bruce J. Noble, Jr.

cc: McCluskey  
Thibault

**March 9, 2004**

Memorandum

To: Files, KLGO  
From: Superintendent, KLGO  
Subject: Food Storage; Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.10(d), as Superintendent I have determined that in order to protect public safety and prevent adverse impacts to wildlife, certain conditions on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food are necessary in NPS managed areas within Klondike Gold Rush NHP. The rationale for these restrictions is as follows:

1. Both black and brown bears are common in undeveloped or lightly inhabited areas in the park. Bears are readily attracted to the smallest quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
2. Bears rapidly habituate to human food sources. Once they have learned to associate a site or item (e.g. campsite, dumpster, tent, kayak, etc.) with acquisition of food, they will return to that source repeatedly in search of further food rewards. It does not matter whether the material is fresh, dry, powdered, canned, etc.
3. Wildlife species in a natural ecosystem are generally adapted to thrive on natural food sources. Obtaining human food negatively alters wildlife behavior and nutrition. While the nutritional impact on wildlife may vary depending on a number of factors, (most notably the proportionality and seasonality of diet being made up of non-native sources), no impact is acceptable under National Park Service management policies, since any impact to nutrition may manifest itself in altered reproductive success and life expectancy which in turn may have wide-reaching ecological consequences.
4. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the park or on adjacent lands.
5. Bears are powerful animals. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.
6. Steep terrain and ice limit habitable areas for wildlife and camping areas for humans. These areas frequently overlap, and increase the potential for negative human / wildlife encounters.

The reasons less restrictive measures are deemed ineffective are as follows:

1. Educational efforts regarding proper storage and disposal of food and garbage have been undertaken by local, state, and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced conflicts between wildlife and human activity. However, in spite of these efforts incidents which are primarily traceable to animal ingenuity continue to occur.

2. Recognizing that variations in environment and recreational activity lend themselves to a variety of food storage options, NPS recognizes the validity of various effective means of securing food. Because fewer options are practical for backcountry travelers, steel poles are provided in each of the park's designated camping areas from which campers may safely suspend food and other items otherwise attractive to bears.
3. We have considered, but rejected, the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under [5 AAC 84](#) - [5 AAC 92](#).

Park employees however, lack the authority to enforce this regulation directly, and would be forced to call upon state or city officers, were any readily available. Given the significant limits on outside agency staffing in this area, enforcement would be critically hampered.

Were we to adopt the language of the state regulation as a park condition under this section, we believe that it would not meet our mission of effectively protecting park wildlife since it would arguably relieve transient visitors from any requirement to take affirmative action to preclude animals from obtaining human food.

Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide appropriate facilities to promote compliance, these conditions are considered the least restrictive required to fulfill the agency mission of protecting wildlife and human safety.

Bruce J. Noble, Jr.  
Superintendent